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Paper No. 7

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OFFICE OF PETITIONS

In re Reissue Application of
Lowell R. Tully, Stephen A.
Johnson, Dave Konieczny, Stephen
R. Estes
Patent No. 5,858,142
Application No. 09/759,823
Issued: January 12, 1999
Attorney Docket No. 29627/36393
Title: ANGULAR ORIENTATION CONTROL
SYSTEM FOR FRICTION WELDING

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition, filed January 12, 2001,
under 37 CFR 1.47(a). The Office apologizes for the delay.

The petition under 37 CFR 1.47(a) is **GRANTED**.

The above-identified reissue application was filed on January 12, 2001, without a fully executed declaration. Concurrent with the filing of the reissue application, applicant filed a petition under 37 CFR 1.47(a). With the instant petition, applicant filed a reissue declaration executed by inventors Lowell Tully, Dave Konieczny, and Stephen Estes, on behalf of themselves and on behalf of non-signing inventor Stephen Johnson.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims, drawings, oath or declaration); (2) an acceptable oath or declaration in compliance with 37 CFR 1.63; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

With the instant petition, attorney David C. Read included a copy of a cover letter dated December 27, 2000, transmitting the reissue declaration and issued patent to Johnson through his attorney, Matthew Yeakey. According to Read, no executed reissue declaration from Johnson has been received.

The declaration filed January 12, 2001, and the petition have been reviewed and found to be in compliance with 37 CFR 1.47(a).

This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Technology Center 1700 for examination of the reissue application.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.

 for

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy



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LETTER

Dear Mr. Johnson:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (703) 305-0272. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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